



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 003-12
200 BLOCK OF CHAPALA STREET
COASTAL DEVELOPMENT PERMIT
FEBRUARY 2, 2012

APPLICATION OF DON SPAGNOLO, PROJECT ENGINEER, ENGINEERING DIVISION, CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, CITY OF SANTA BARBARA, 200 BLOCK CHAPALA STREET, ROW-002-070, HOTEL AND RELATED COMMERCIAL USES ZONE, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2010-00263/CDP2011-00007)

The project would demolish the existing 4,655 square feet (s.f.) bridge deck and replace it with a 2,740 s.f. bridge deck. The south side of the new bridge deck would be supported on piles and a foundation behind the existing sandstone abutment. The north side of the new bridge would be supported by a new abutment in the same location as the existing sandstone walls. The new bridge would provide one vehicular lane in each direction and a five foot sidewalk on each side. New bridge railings and approaches to the bridge would be constructed.

The discretionary application required for this project is a Coastal Development Permit (CDP2011-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009). The Planning Commission will consider adoption of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 26, 2012.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated September 26, 2011 for the 200 Block Chapala Street, Chapala Street Bridge Replacement Project (MST2010-00263), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.

3. Pay Land Development Team Recovery Fee.
4. Make application and obtain a Building Permit (BLD), if necessary, to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
5. Record any required documents (see Recorded Conditions Agreement section).
6. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
2. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of 4 (trees (with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground) in the front yard setback and street tree(s)).

- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any City permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. Public Works Department.
 - a. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to

- b. **Requirement for Archaeological Resources.** The following information shall be printed on the bridge site plan:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

- c. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- d. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.1 “Neighborhood Notification Prior to Construction” below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- e. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.2 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.
- f. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.

- m. **Bridge Foundation and Structure Design.** The foundation and bridge design shall follow the specifications for type and configuration of foundation and structure in the Final Foundation Report and Bridge Engineers design recommendations. (G-1)
- n. **Drainage and Water Quality.** Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by the Public Works Department per City regulations, including the Storm Water Management Plan (SWMP) and Regional Water Quality Control Board waste discharge permit. Sufficient engineered design and adequate measures shall be employed to ensure that no substantial construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project.

Prior to commencement of construction, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for implementation during construction that incorporates all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to minimize the discharge of sediment during storm events, and to eliminate the discharge of non-stormwater pollutants to the maximum extent possible. The following measures shall be incorporated into the project SWPPP, which must meet state NPDES General Construction Permit requirements:

- Temporary stockpiles at the project site shall be protected from erosion by the combined use of temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments as necessary and appropriate.
- Stockpiles that are present during the winter season shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets).
- Sediment filters/barriers will be constructed along the perimeter of the work area above Mission Creek to prevent sheet flow from discharging sediment into Mission Creek. Protection measures shall remain in place and be maintained in good condition until all disturbed soil areas are permanently stabilized by installation and establishment of landscaping, grass, mulching, or are otherwise covered and protected from erosion.
- The SWPPP must include a contingency plan to protect the exposed work site during the winter months in the event of high runoff in the creek.
- BMPs to prevent discharge of construction materials, contaminants, wash-water, concrete, fuels, and oils that include the following measures:
 - Ensure that all construction vehicles and equipment are properly maintained (off-site) to prevent leaks of fuel, oil, and other vehicle fluids.
 - Refuel only in bermed areas with impermeable surfaces at least 50 feet from the creek or culvert.

Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-1)

2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, Creeks Division Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
3. **Construction Contact Sign.** Immediately after Encroachment permit issuance, signage shall be posted at the points of entry to the site that list the contractor and Project Environmental Coordinator's (PEC) name, contractor and PEC's telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
4. **Sandstone Recycling.** Any existing sandstone in the public right-of-way or the existing bridge construction that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
5. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and, excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Planning Staff to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

10. **Nesting Birds.** Tree removal/relocation/trimming activities shall not occur during nesting season (February 1 – August 30). If these activities must occur during this time, a qualified biologist shall conduct a survey of the trees no more than one week prior to the activity to identify active nests and nest holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young birds have fledged the nest.
11. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)
12. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-3)
13. **Construction Dust Control – Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or a row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-4)
14. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-5)
15. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;

27. **Portable diesel equipment** - All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-18)
28. **Mobile construction equipment** - Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm (AQ-19)
29. **Asphalt paving** – Asphalt paving activities shall comply with APCD Rule 329, Cutback and Emulsified Asphalt Paving Materials. (AQ-20)
30. **Equipment.** To avoid impacts to aquatic resources, no construction equipment shall be operated within the channel and stream bottom between December 1st and the end of March 30th or whenever significant water flows (water flow in the CALTRANS Channel more than 1/2 inch deep) pass down Mission Creek. (BIO-1)
31. **Construction Dates.** To avoid impact to steelhead and tidewater goby, which are federally listed species, construction upstream of Yanonali Street shall be restricted to dates between June 1st and December 1st if water flow in the CALTRANS Channel is more than 1/2 inch deep. If no continuous surface water flow exists in the CALTRANS Channel after April 15th, construction could occur from then until December 1st. (BIO-2)
32. **Flowing Water.** No construction shall occur in the flowing water. If water is present during the construction, the water shall be diverted by construction of a low flow channel or installation of a pipe. (BIO-3)
33. **Biological Monitor.** A qualified biologist (knowledgeable of steelhead and tidewater goby) shall survey the area for steelhead prior to construction and relocate according to USF&WS protocol any individuals in the construction area, and shall monitor project construction in critical times, (during de-watering of the creek, or installation/removal of pipes in the creek). Monitoring would be performed every week at the beginning of construction and every other week after completion of project construction. (BIO-4)
34. **Railroad Depot Sandstone Channel Wall, Depot Park, and Potter Pedestrian Bridge.** The sandstone wall forming the channel adjacent to the bridge abutments, Depot Park and the Potter Hotel pedestrian bridge shall be protected in place and if any inadvertent damage to this wall, park or the pedestrian bridge occurs during construction the wall and/or bridge and/or park shall be restored to their existing configuration. (CR-3)
35. **Hazardous Materials Abatement.** Implementation of a lead abatement plan meeting Federal and State standards shall be required to ensure that the materials on the site are sampled and tested as they are exposed during construction and that hazardous materials identified including the lead containing paint on the bridge railing and cross braces is removed and disposed of in a manner that does not allow the lead based paint to

environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,839.25 for projects with Environmental Impact Reports and \$2,044.00 for projects with Negative Declarations and a filing fee of \$50.00. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 2nd day of February, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Bartlett, Jordan) ABSTAIN: 0 ABSENT: 1 (Larson)